

D/L14
22.11.2023
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C.R.R.3580 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Shibprasad Chakraborty @
Siba Prasad Chakraborti and others
Versus
The State of West Bengal and another

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee.
...for the petitioners.

Mr. Arijit Ganguly
Mr. Koushik Kundu.
...for the State.

Report submitted by Mr. Arijit Ganguly, learned advocate appearing for the State be kept with the record. Report reflects that the de facto complainant is not willing to withdraw the case and intends to pursue the proceedings relating to Madhabdihi Police Station Case No.59 of 2016 dated 14.03.2016 under Sections 498A/406/34 of the Indian Penal Code pending before the learned Judicial Magistrate, 6th Court, Burdwan, Purba Bardhaman.

Mr. Mondal, learned advocate appearing for the petitioners thereafter submits that he intends to argue the matter on merits. According to him, the father-in-law is a cancer patient and so far as in-laws are concerned, there are no allegations in the materials collected by the Investigating Agency or the complaint which was filed at the instance of the de facto complainant.

I have considered the submissions of the learned

advocate appearing for the petitioners and I am of the view that the case was instituted in the year 2016. Seven years have passed since then. Charge has already been framed and the evidence of CSW 1 was fixed on repeated occasions before the learned trial court. At this belated stage without going into the evidence, summary trial cannot be conducted by this Court. Accordingly, learned trial court is directed to communicate with the superior officer of police so summons are served upon the charge-sheeted witnesses and ensure appearance of witnesses on the date so fixed. Learned Magistrate would ensure that at least once in every two months date is fixed so the trial of the case can be taken to its logical conclusion within a reasonable period of time.

With the aforesaid observations, CRR 3580 of 2023 is disposed.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)